

**COUNTY OF LOUDOUN**  
**DEPARTMENT OF BUILDING AND DEVELOPMENT**  
**ZONING ADMINISTRATION – FIRST REFERRAL**

**DATE:** December 8, 2009  
**TO:** Mike Elabarger, Project Manager  
Department of Planning  
**FROM:** Brian Fish, Planner  
**CASE NUMBER  
& NAME:** SPMI 2009-0007 AGSI – Archer Property  
**TAX MAP/MCPI:** /18//17/////6/ 336-40-7208



**A. APPLICATION SUMMARY**

This referral is in response to the request for comments dated November 18, 2009 regarding a minor special exception request for a small business with up to six (6) employees on less than 10 acres in the AR-1 zoning district. The following documents submitted with the November 18, 2009 Memorandum from Project Manager Mike Elabarger were reviewed: Information Sheet, Statement of Justification dated August 20, 2009, Checklist Waiver letter dated November 13, 2009, Traffic Checklist dated August 4, 2009, and Special Exception Plat (undated).

The subject property consists of approximately 5.6 acres and is zoned AR-1 (Agricultural Rural - 1), administered under the Revised 1993 Loudoun County Zoning Ordinance. There is a small area of moderately steep slopes on the property. In accordance with Table 2-102 of the Zoning Ordinance "Small Business" is a use permitted by Minor Special Exception and is subject to the Additional Regulations of Section 5-614. A Small Business is defined as *"A business or service which may be conducted in a private residence that is considered temporary for the purpose of starting a new business and operates according to the restrictions and standards established by this Ordinance"*.

**B. BACKGROUND**

On March 25, 2009, Matthew and Jennifer Archer received zoning permit approval to operate a Home Occupation on the subject property [#Z90097530001]. The approved permit allows the operation of a home office for a government contractor, and permits one non-resident employee to be on-site. On May 6, 2009, a complaint was received by the County alleging that a small business was being operated on the subject property. Zoning Enforcement Staff met with the property owners, determined that the small business being operated on the property is not in conformance with the terms of the approved Home Occupation permit, and subsequently advised them that a Special Exception would be necessary to allow the business to continue operating on the property.

Pursuant to Section 5-614(D), small businesses may be located on lots of less than ten acres in the AR-1 Zoning District only with an approved Special Exception. Pursuant to Section 5-614(E)(1), small businesses located on properties between three and ten acres in size may have a maximum of three employees on-site. The Applicant is seeking approval of a Minor Special Exception to permit the operation of a small business on the subject property, and to allow up to a maximum of six (6) employees on-site.

**C. SECTION 6-1310 - ISSUES FOR CONSIDERATION**

1. (A) *Whether the proposed special exception is consistent with the Comprehensive Plan.* Zoning defers to Community Planning in the Department of Planning regarding this issue.
2. (B) *Whether the proposed special exception will adequately provide for safety from fire hazards and have effective measures of fire control.* Zoning defers to Fire and Rescue regarding this issue.
3. (C) *Whether the level and impact of any noise emanating from the site, including that generated by the proposed use, negatively impacts the uses in the immediate area.* The noise standards that apply to this use are contained in Section 5-652(B).
4. (D) *Whether the glare or light that may be generated by the proposed use negatively impacts uses in the immediate area.* Section 5-652(A) contains the exterior lighting standards that apply to the proposed use.
5. (E) *Whether the proposed use is compatible with other existing or proposed uses in the neighborhood and adjacent parcels.* Properties in the vicinity of the subject property are single family dwellings.
6. (F) *Whether sufficient existing or proposed landscaping, screening and buffering on the site and in the neighborhood to adequately screen surrounding uses.* As a condition of approval, the Board of Supervisors could require buffering to help mitigate any impacts of the small business use on adjacent parcels and to address any anticipated noise and/or lighting impacts.
7. (J) *Whether the traffic expected to be generated by the proposed use will be adequately and safely served by roads, pedestrian connections and other transportation services.* Zoning defers to the Office of Transportation Services regarding this issue.

**D. SECTION 5-614 - ISSUES FOR CONSIDERATION**

8. Section 5-614(F)(1) requires a sketch plan as part of a zoning permit application for permitted small businesses. However, Section 5-614(F)(2) states that special exceptions may contain a condition for a site plan in lieu of a sketch plan, when the Board of Supervisors finds such a condition is necessary to mitigate potential off-site impacts of the proposed use.

**E. GENERAL COMMENTS**

9. The number of required parking spaces for the small business will be equal to the number of permitted employees not residing on the premises, and should be identified during the Minor Special Exception process.

**F. SPECIAL EXCEPTION PLAT COMMENTS**

10. *Parking.* Proposed parking areas should be shown and clearly labeled on the special exception plat.

11. *Small Business Use.* All areas to be used for the Small Business use (offices, storage, etc.) should be clearly labeled on the plat.
12. The special exception plat must have a scale of 1 inch = 200 feet.
13. The special exception plat must be labeled with the owners' names and zoning of adjacent property.
14. The special exception plat must show the location and general description of vegetation and existing tree cover.
15. The special exception plat must show topography at contours of not more than five (5) feet.

Copy: Mark Stultz, Deputy Zoning Administrator